

HOUSE BILL NO. 846

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources

on _____)

(Patron Prior to Substitute—Delegate Kent)

A BILL to amend and reenact § 10.1-1020 of the Code of Virginia, relating to Virginia Land Conservation Foundation.

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1020 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1020. Virginia Land Conservation Fund; purposes of Foundation.

A. The Foundation shall establish, administer, manage, including the creation of reserves, and make expenditures and allocations from a special, nonreverting fund in the state treasury to be known as the Virginia Land Conservation Fund, hereinafter referred to as the Fund. The Foundation shall establish and administer the Fund solely for the purposes of:

1. Acquiring fee simple title or other rights, including the purchase of development rights, to interests or privileges in property for the protection or preservation of ecological, cultural or historical resources, lands for recreational purposes, state forest lands, and lands for threatened or endangered species, fish and wildlife habitat, natural areas, agricultural and forestal lands and open space, and for conservation and restoration of homelands for state-recognized and federally recognized Virginia Indian Tribes; and

2. Providing grants to state agencies, including the Virginia Outdoors Foundation and state-recognized and federally recognized Virginia Indian Tribes, and matching grants to other public bodies and holders for acquiring fee simple title or other rights, including the purchase of development rights, to interests or privileges in real property for the protection or preservation of ecological, cultural or historical resources, lands for recreational purposes, and lands for threatened or endangered species, fish and wildlife habitat, natural areas, agricultural and forestal lands and open space. The Board shall establish criteria for making grants from the Fund, including procedures for determining the amount of each grant and the required match. The criteria shall include provisions for grants to localities for purchase of development rights programs.

Interests in land acquired as provided in subdivision 1 may be held by the Foundation, state agencies, state-recognized or federally recognized Virginia Indian Tribes, other public bodies, and appropriate holders. Whenever a holder acquires any interest in land other than a fee simple interest as a result of a grant or

31 transfer from the Foundation, such interest shall be held jointly by the holder and a public body *if such holder*
32 *is not accredited by the national Land Trust Accreditation Commission or a similar set of standards and*
33 *practices adopted by the Board.* Whenever a holder acquires a fee simple interest in land as a result of a grant
34 or transfer from the Foundation, (i) a public body shall hold an open space easement in such land or (ii) *such*
35 *fee simple interest shall be subject to a reversionary interest held by the Board that is protective of the*
36 *conservation purposes. The Board may convey such reversionary interest to another appropriate public body*
37 *or holder.*

38 B. The Fund shall consist of general fund moneys and gifts, endowments or grants from the United States
39 government, its agencies and instrumentalities, and funds from any other available sources, public or private.
40 Such moneys, gifts, endowments, grants or funds from other sources may be either restricted or unrestricted.
41 For the purposes of this chapter, "restricted funds" shall mean those funds received by the Board to which
42 specific conditions apply; "restricted funds" shall include, but not be limited to, general obligation bond
43 moneys and conditional gifts. "Unrestricted funds" shall mean those received by the Foundation to which no
44 specific conditions apply; "unrestricted funds" shall include, but not be limited to, moneys appropriated to the
45 Fund by the General Assembly to which no specific conditions are attached and unconditional gifts.

46 C. In any fiscal year for which the Fund is appropriated less than \$10 million, and after an allocation for
47 administrative expenses has been made as provided in subsection G, the remaining unrestricted funds in the
48 Fund shall be allocated as follows:

49 1. Twenty-five percent shall be transferred to the Virginia Outdoors Foundation's Open-Space Lands
50 Preservation Trust Fund to be used as provided in § 10.1-1801.1; and

51 2. Seventy-five percent shall be divided equally among the following four grant uses: (i) natural area
52 protection; (ii) open spaces and parks, including but not limited to, land for public hunting, fishing or wildlife
53 watching; (iii) farmlands and forest preservation; and (iv) historic area preservation. Of the amount allocated
54 as provided in this subdivision, at least one third shall be used to secure easements to be held or co-held by a
55 public body.

56 D. In any fiscal year for which the Fund is appropriated \$10 million or more, and after an allocation for
57 administrative expenses has been made as provided in subsection G, the remaining unrestricted funds in the
58 Fund shall be allocated as follows:

59 1. Twenty-five percent shall be transferred to the Virginia Outdoors Foundation's Open-Space Lands
60 Preservation Trust Fund to be used as provided in § 10.1-1801.1; and

61 2. The remaining funds shall be divided equally among the following five grant uses: (i) natural area
62 protection; (ii) open spaces and parks, including but not limited to, land for public hunting, fishing, or
63 wildlife watching; (iii) farmland preservation; (iv) forestland conservation; and (v) historic area preservation.

64 E. Any moneys remaining in the Fund at the end of a biennium shall remain in the Fund, and shall not
65 revert to the general fund. Interest earned on moneys received by the Fund other than bond proceeds shall
66 remain in the Fund and be credited to it. Any funds transferred to the Open-Space Lands Preservation Trust
67 Fund pursuant to this section and not disbursed or committed to a project by the end of the fiscal year in
68 which the funds were transferred shall be returned to the Virginia Land Conservation Fund and shall be
69 redistributed among the authorized grant uses during the next grant cycle.

70 F. A portion of the Fund, not to exceed 20 percent of the annual balance of unrestricted funds, may be
71 used to develop properties purchased in fee simple, or through the purchase of development rights, with the
72 assets of the Fund for public use including, but not limited to, development of trails, parking areas,
73 infrastructure, and interpretive projects or to conduct environmental assessments or other preliminary
74 evaluations of properties prior to the acquisition of any property interest.

75 G. Up to \$250,000 per year of the interest generated by the Fund may be used for the Foundation's
76 administrative expenses, including, but not limited to, the expenses of the Board and its members,
77 development of the Foundation's strategic plan, development and maintenance of an inventory of properties
78 as provided in subdivision 1 b of § 10.1-1021, development of a needs assessment for future expenditures as
79 provided in subdivision 1 c of § 10.1-1021, and fulfillment of reporting requirements. All such expenditures
80 shall be subject to approval by the Board of Trustees.

81 H. The Comptroller shall maintain the restricted funds and the unrestricted funds in separate accounts.

82 I. For the purposes of this section, "public body" shall have the meaning ascribed to it in § 10.1-1700, and
83 "holder" shall have the meaning ascribed to it in § 10.1-1009.